HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 4609 OF 2007

DATE: 23.3.2007

BETWEEN

1. P. Govinda Raju S/o late Rangaiah and four others

....Petitioners

AND

1. The Joint Sub-Registrar-I , RO (OB) Sangareddy, Medak District.

.... Respondent

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 4609 OF 2007

ORAL ORDER:

The petitioners stated that he purchased various extents of land in S.Nos. 155, 156, 158, 159 and 160 of Ailapur Village, Medak District and the sale deeds executed in their favour were presented before the respondent for registration. The respondent issued an intimation of refusal dated 10.1.2007 stating, inter alia, that the subject matter of the documents is Government Land and the same is pending adjudication in a batch of Writ Petitions before this court. The petitioners assail the action of the respondent in refusing to register the document.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

The intimation of refusal dated 10.1.2007 is not referable to any provision of the Registration Act. Though reference is made to pendency of the Writ Petitions, it is not stated that any order prohibiting alienation thereof is passed. Even where the right of the Government over the piece of land is absolute, the registration of the transaction of such land cannot be refused. The reason is that the only source of power in such cases i.e., Section 22(A) of the Registration Act, 1908 was set aside by this court by following the judgment of the Supreme Court reported in STATE OF RAJASTHAN VS. BASANTH NAHATA[1]. The reason stated by the respondent in the intimation-dated 10.1.2007 cannot constitute the basis to refuse registration. Inasmuch as it is not referable to any Provision of Registration Act, the question of petitioners to

avail remedy of appeal does not arise. Further it is not as if the registration of the document is going to result in denial of title of any person or agency who are not parties to the document. Time and again, the Supreme Court held that what is registered is a document, but not the transaction.

For the foregoing reasons, the Writ Petition is disposed of directing the respondent to process the documents presented by the petitioners in accordance with the provisions of the Indian Stamp Act and the Registration Act and release the same in favour of the petitioners, if they are otherwise in order. It is made clear that the sale deed so registered shall not affect or alter the rights of persons or agencies, which are not parties to the Government. No order as to costs.

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L. NARASIMHA REDDY, J

Date: 23.3.2007
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Note: Furnish copy in three days.

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[1] AIR 2005 SC 3401=(2005) 12 SCC 77